

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

CONNEL WEST TRUCKING CO.,
INC., FIDADELFO JUAREZ and
GUCHARAN SINGH,

Plaintiffs,

 v_{\odot}

Cause No. EP-20-CV-312-KC

ESTES EXPRESS LINES and
CAROLYN DRIGGARS as
Representative of the Estate of
DEBORAH REGAN,

Defendants.

ESTES EXPRESS LINES,

Third-Party Plaintiff,

V.

VELOCITY TRUCK CENTERS,

Third-Party Defendant.

UNOPPOSED MOTION FOR ENTRY OF FINAL JUDGMENT AS TO VELOCITY TRUCK CENTERS, LLC

STATEMENT OF ISSUE

1. The Court, in its Order entered July 27, 2021, granted Third-Party Defendant Velocity Truck Centers' Amended Motion to Dismiss for Lack of Personal Jurisdiction. Is there no just reason for delay in entering a Final Judgment as to Velocity Truck Centers, and therefore, should a Final Judgment be entered dismissing the claims as against Velocity Truck Centers pursuant to Fed. R. Civ. P. 54(b)?

I. STATEMENT OF RELEVANT FACTS

1. On July 27, 2021, the Court entered its Order granting Velocity Truck Centers' Amended Motion to Dismiss for Lack of Personal Jurisdiction. ECF No. 43. The Court held therein that "Estes has not met its burden of establishing that the Court has general personal jurisdiction over Velocity," and also held that "the Court cannot assert specific jurisdiction over Velocity in this case." ECF No. 43, pp. 8-9.

II. ARGUMENT

2. Rule 54(b) provides as follows: "When an action presents more than one claim for relief – whether as a claim, counterclaim, cross-claim, or third-party claim – or when multiple parties are involved, the court may direct entry of a final judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines that there is no just reason for delay." If no final judgment is entered, then an order dismissing the claims against a third-party defendant remains interlocutory in nature.

3. In this case, there is no just reason for delay. The evidence in support of the Court's rulings that there is no basis to assert either general or specific personal jurisdiction over Velocity in this case is undisputed. Velocity justifiably desires finality as to its dismissal from this case. If Estes Express believes that it has some basis to appeal the Court's order of dismissal, then Velocity desires that such appeal occur forthwith, rather than await the indeterminate outcome of all of the other claims against the other parties in this case. That can only occur if a Final Judgment as to Velocity is entered by the Court.

4. The undersigned counsel has conferred with counsel for Estes Express Lines, who has indicated that it does not oppose the relief requested in this Motion.

III. CONCLUSION

5. Accordingly, Velocity Truck Centers, LLC respectfully requests that the Court enter a Final Judgment, dismissing it from this case for lack of personal jurisdiction. A proposed Final Judgment is submitted herewith.

WHEREFORE, PREMISES CONSIDERED, Third-Party Defendant Velocity Truck Centers, LLC respectfully prays that the Court enter a Final Judgment, as to it, dismissing it as a party to this case due to lack of personal jurisdiction over it.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, **S. Anthony Safi**, hereby certify that on this 29th day of July, 2021, I electronically filed a copy of the foregoing with the Clerk of the Court using the CM/ECF system which will automatically send e-mail notice of such filing to the following attorney(s) of record: Carlos Rincon crincon@rinconlawgroup.com and Sergio E. Chavez schavez@rinconlawgroup.com, 1014 N. Mesa, Suite 200, El Paso, Texas 79902; and Jonathan D. Sneed jsneed@awtxlaw.com and Bryant J. Stogner bstogner@awtxlaw.com, 800 Commerce St., Houston, Texas 77002.


S. Anthony Safi